

REMARKS

Claims 1-9 are currently pending in the subject application. Claim 1 is the sole independent claim. The specification and claims 5 and 9 are amended by the instant amendment.

In particular, chemical structures in one paragraph of the specification, and claims 5 and 9, are amended to correct a typographical error, wherein the labels “n” and “n-1” were inadvertently interchanged. No new matter is added, as the original specification disclosed the correct order for these labels in, e.g., claim 1 and paragraph [0007] of the specification. The amendments to the chemical structures are indicated by a strike-out through the original structure and an underline below the amended structure.

Applicants appreciate the Examiner’s acknowledgement of applicants’ claim for foreign priority and receipt of a certified copy of the priority document.

Applicants also appreciate the Examiner’s indication that the Information Disclosure Statement filed on December 24, 2003 has been considered.

Applicant requests, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on December 24, 2003.

Claims 1-9 are presented to the Examiner for further prosecution on the merits.

A. Asserted Obviousness Rejection of Claims 1-9

In the outstanding Office action, the Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,942,340 to Hu et al. (hereinafter “the Hu et al. reference”). Applicants respectfully traverse this rejection, and respectfully submit that the Examiner failed to set forth a *prima facie* case of obviousness for at least the reasons set forth below.

In the outstanding Office action, the Examiner rejected claim 1, asserting that the subject matter recited in claim 1 is obvious in view of the Hu et al. reference. In particular, the Examiner asserted that “*a prima facie* case of obviousness is made when chemical compounds have very close structural similarities and utilities,” citing *In re Payne*, 606 F.2d 202 (CCPA 1979). However, applicants respectfully submit that the Examiner failed to meet the requirements of *In re Payne*, and thus no *prima facie* case of obviousness has been established.

In particular, applicants note that claim 1 is directed to a polymer, whereas the Hu et al. reference is not. The Examiner essentially acknowledged this significant distinction between the claimed invention and the Hu et al. reference in the outstanding Office action, wherein the Examiner admitted that the Hu et al. reference “does not specifically disclose that the aryl group from either R³ or R⁴ is present in an amount between 0.01 and 0.99 . . .” *Office action of November 9, 2005, at page 3*. Therefore, applicants respectfully submit that there are significant structural differences between the claimed polymer and the non-polymeric compound disclosed in the Hu et al. reference and, accordingly, the Examiner failed to meet the requirements of *In re Payne*.

In further detail, applicants note that the Hu et al. reference is directed to the synthesis of small molecules for use in electroluminescent devices. This is demonstrated, for example, by repeated references to using vacuum deposition to apply the small molecules to the electrode of the electroluminescent device. *See, e.g., the Hu et al. reference at col. 3, line 10.* This is also demonstrated by the fact that none of the 24 exemplars set forth in cols. 10-22 of the Hu et al. reference include polymeric moieties at the R³ and R⁴ positions, and by the fact that the synthesis of the small molecule focuses on substitutions at the ring nitrogens of the

indolocarbazole, i.e., substitutions at the R¹ and R² positions. *See, e.g., cols. 25-26 of the Hu et al. reference.* In contrast, the present invention is directed to polymeric compounds of high molecular weight, which may be applied to electroluminescent devices through, e.g., spin coating.

Accordingly, since significant structural differences exist between the compound claimed in claim 1 and the compounds disclosed by the Hu et al. reference, applicants respectfully submit that no *prima facie* case of obviousness has been made and, therefore claim 1 is allowable over the cited prior art. The remaining rejected claims, viz., claims 2-9, depend from claim 1 and are believed to be allowable for at least the reasons set forth above. Therefore, applicants respectfully request that this rejection be reconsidered and withdrawn.

B. Conclusion

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

Since the cited prior art relied on to reject the claims of the subject application fails to render obvious, much less anticipate, the present invention, applicants respectfully submit that claims 1-9 are in condition for allowance, and a notice to that effect is respectfully requested.

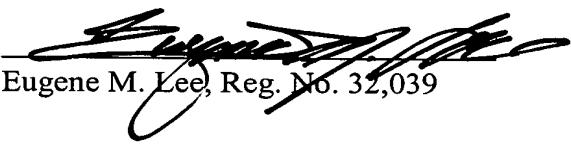
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.